

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELAINE AGHAEPOUR, ANNE BARR, BRUCE
DRAGO, JULIE HIGGINS, SHANE MOORE,
MICHELE NORRIS, JESUS RIVERA, and HONG
ZHANG,

Plaintiffs,

-v-

NORTHERN LEASING SYSTEMS, INC., MBF
LEASING, LLC, LEASE FINANCE GROUP, LLC,
LOUIS CUCINOTTA, JENNIFER CENTENO a/k/a
JENNIFER NUGENT, JAY COHEN, SARA
KRIEGER, JOSEPH I. SUSSMAN, and JOSEPH I.
SUSSMAN, P.C.,

Defendants.

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14 CV 5449 (NAR) (LMS)

**DECLARATION OF
SCOTT E. SILBERFEIN
IN SUPPORT OF MOTION TO
DISMISS SECOND
AMENDED COMPLAINT**

SCOTT E. SILBERFEIN, under penalty of perjury, hereby affirms:

1. I am of counsel to the law firm of Moses & Singer LLP, attorneys for Defendants in the above-captioned action.

2. I submit this Declaration in support of Defendants' motion pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Plaintiffs' second amended complaint.

3. Attached hereto as Exhibit A is a true and correct copy of the complaint filed by Lease Finance Group ("LFG") against Plaintiff Shane Moore ("Moore") in the Civil Court of the City of New York, New York County on January 6, 2012.

4. Attached hereto as Exhibit B is a true and correct copy of the complaint filed by MBF Leasing LLC ("MBF") against plaintiff Michele Norris ("Norris") in the Civil Court of the City of New York, New York County on February 14, 2013.

5. Attached hereto as Exhibit C is a true and correct copy of the February 5, 2015 judgment LFG obtained against Moore in the Civil Court of the City of New York, New York County.

6. Attached hereto as Exhibit D is a true and correct copy of the February 5, 2015 judgment MBF obtained against Norris in the Civil Court of the City of New York, New York County.

7. Attached hereto as Exhibit E is a true and correct copy of the Decision and Order of the Honorable Debra R. Samuels, J.C.C., entered on May 13, 2014, denying the motion of Norris to vacate the default judgment MBF entered against her.

8. Attached hereto as Exhibit F is a true and correct copy of the Decision and Order of the Supreme Court, Appellate Term, First Department dated January 28, 2014 affirming the decision of the Civil Court of the City of New York, New York County to deny Moore's motion to vacate the default judgment and dismiss the complaint against him.

9. Attached hereto as Exhibit G is a true and correct copy of the Order of the Supreme Court, Appellate Term, First Department dated March 21, 2014 denying Moore's motion to reconsider the decision affirming the Civil Court of the City of New York, New York County's denial of his motion to vacate the default judgment and dismiss the complaint against him.

Dated: February 27, 2017
New York, New York

/s Scott E. Silberfein
SCOTT E. SILBERFEIN